

Minutes Formal City Council Meeting November 16, 2006

Minutes of the Formal Council Meeting of Thursday, November 16, 2006, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman

Vice Mayor Hut Hutson

Councilmember P Ben Arredondo

Councilmember Barbara J. Carter

Councilmember Shana Ellis

Councilmember Mark W. Mitchell

Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order at 7:40 p.m.

1. Vice Mayor Hutson gave the invocation.
2. Boy Scout Nicholas Rivera led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of Council Meeting Minutes

Motion by Councilmember Arredondo to approve the following **COUNCIL MEETING MINUTES**. Second by Councilmember Mitchell. Motion passed unanimously on a voice vote.

1. Council's Executive Session – November 2, 2006
2. Council's Issue Review Session – November 2, 2006 [20061116clrkck03.pdf](#)
3. Council's Formal Meeting – November 2, 2006 [20061116clrkck04.pdf](#)
4. DELETED
5. Joint Council/Chamber of Commerce Dinner – October 12, 2006
[20061116clrkck02.pdf](#)
6. Council's Education & Technology Advancement Committee –
October 26, 2006 [20061116etac01.pdf](#)
7. Council's Transportation & Affordable Housing Committee – October 24, 2006
[20061116tah01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Councilmember Arredondo to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Vice Mayor Hutson. Motion passed unanimously on a voice

vote.

8. Board of Adjustment – August 16, 2006 [20061116boa01.pdf](#)
9. Development Review Commission – August 22 & September 12, 2006
[20061116drc01.pdf](#) [20061116drc02.pdf](#)
10. Mayor's Youth Advisory Commission – October 17, 2006 [20061116myac01.pdf](#)
11. Rio Salado Advisory Commission – August 22, 2006 [20061116rsc01.pdf](#)
12. Tempe Fire Public Safety Personnel Retirement Board – August 10 and
September 7, 2006
13. Tempe Police Public Safety Personnel Retirement Board – October 10, 2006

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman announced that a new Tempe 11 program, “**Tempe This Week**”, debuted on October 30th. The program provides a summary of upcoming meetings and events in Tempe and airs twice every hour. Nikki Ripley and Amanda Nelson alternately host the program. A preview video was played.
- Mayor Hallman announced that 2006 marks the **36th year of the Tempe Sister City program**. Zhenjiang, China, became a Sister City in 1989 and both student and educator exchanges have been established. He introduced **Lee Preston**, from Connolly Middle School, who spoke about her visit to Zhenjiang, and **Mrs. Mao Zhiping**, who spoke of her visit to Tempe. He also introduced **Katherine Payne**, of the Tempe Elementary School District Office, who spoke of her visit, and **Mrs. Zhu Na**, who commented on her visit to Tempe. Commemorative plaques were presented.
- Mayor Hallman announced that the **APS Fantasy of Lights Board Parade** will be held on December 9th at Tempe Beach Park, at which time the METRO Tempe Town Lake Bridge will be lit for the first time.

B. Manager's Announcements

- City Manager Will Manley commended the City's department managers present tonight for their expertise and capability in employee relations. He further introduced Tom Ryff, the new Tempe Police Chief.

5. AGENDA

All items in these minutes identified with an asterisk (*) are **public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Councilmember Shekerjian to approve the Agenda as amended (Items #17 and #33 were removed for separate consideration). Second by Councilmember Carter. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

14. Approved the Report of Claims Paid to be Filed for Audit for the weeks of May 14, 21, & 28 and June 4 & 11, 2006.
COMMENTS: A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.
15. Approved **Contract #2006-284**, the intergovernmental agreement for security services in the Police/Courts Building.
COMMENTS: Includes four (4) additional one-year terms, ending June 30, 2010.
DOCUMENT NAME: [20061116mcms01.pdf](#) **COURT ADMINISTRATION (0501-02)**
16. Authorized the City Attorney to file an appeal in the Tatiana Orpinas v. City of Tempe, et al. lawsuit.
DOCUMENT NAME: [20061116cacc02.pdf](#) **CITY ATTORNEY ADMINISTRATION (0501-02)**
17. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Approved **with conditions** a Final Subdivision Plat for MILL FRY'S MARKETPLACE at 3232 South Mill Avenue.
COMMENTS: (Fahmi Hashish, Mill and Southern, LLC, property owner, Jason Segneri, Survey Innovation Group, Inc., applicant) (PL060610) to subdivide one (1) lot into two (2) lots, located at 3232 South Mill Avenue, in the CSS Commercial Shopping and Services District, including the following request:
BD06021 – Final Subdivision Plat for two (2) lots on 10.21 net acres.
The following conditions were approved:
 1. The Final Subdivision Plat shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department **on or before November 16, 2007**. Failure to record the plat within one year of City Council approval shall make the plat null and void.
 2. Prior to recordation of the subdivision plat, the applicant shall provide documentation to the Development Services Department, Planning Division, that there is adequate parking for the existing buildings and uses to be completed contained within the proposed individual lots. If there is not adequate parking on the individual lots, the applicant must either adjust the lot lines, provide a parking affidavit, or apply for and receive approval for shared parking.
 3. Prior to recordation of the subdivision plat, all building costs must be met. The building must be properly rated or have approval through the Building Safety Division. Also, the building wall that borders the property line of lots 1 & 2 must have proper approvals through the Building Safety Division.

Mayor Hallman asked for clarification.

Development Services Manager Chris Anaradian clarified that this is a pad split-off.

Motion by Vice Mayor Hutson for approval of Item #17. Second by Councilmember Shekerjian. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20061116dsgk01.pdf](#) **PLANNED DEVELOPMENT
(0406)**

- *18. Held a public hearing and recommended the approval of an off-track wagering license for TP Racing L.L.P., dba Turf Paradise, 1501 W. Bell Road, Phoenix, to operate at Sixshooters, 705 S Rural Road, #101, Tempe.

COMMENTS: Eugene Joyce, Agent.

DOCUMENT NAME: [20061116STAX1.pdf](#) **LIQ LIC (0210-02)**

- *19. Held a public hearing and recommended the approval of a Series 09 Liquor Store License for Tempe Desert, LLC, dba Sun Stop Liquor, 1212 E. Apache Blvd.

COMMENTS: Tariq Husayno, Agent.

DOCUMENT NAME: [20061116LIQ1.pdf](#) **LIQ LIC (0210-02)**

- *20. Held a public hearing and recommended the approval of a Series 12 Restaurant Liquor License for Picudos, LLC, dba Ivan's Tacos, 930 W. Broadway Road, #14.

COMMENTS: Ivan Montes, Agent.

DOCUMENT NAME: [20061116LIQ2.pdf](#) **LIQ LIC (0210-02)**

- *21. Held a public hearing and recommended the approval of a Series 09 Liquor Store License for CVS EGL Baseline Tempe AZ, LLC, dba CVS Pharmacy #00040, 1424 West Baseline Road.

COMMENTS: Jason Morris, Agent.

DOCUMENT NAME: [20061116LIQ3.pdf](#) **LIQ LIC (0210-02)**

- *22. Held a public hearing and recommended the approval of a Series 09 Liquor Store License for CVS EGL Baseline Tempe AZ, LLC, dba CVS Pharmacy #05950, 855 East Elliot Road.

COMMENTS: Jason Morris, Agent.

DOCUMENT NAME: [20061116LIQ4.pdf](#) **LIQ LIC (0210-02)**

B. Award of Bids/Contracts

- 23. Approved **Contract #2006-285**, a professional services contract with Advantica, Inc., for the Water Department GIS (Geographical Information System) Implementation project.

COMMENTS: Subject to execution of the final written contract in an amount not to exceed \$633,750.

DOCUMENT NAME: [20061116PWTG03.pdf](#) **WATER MANAGEMENT
ADMINISTRATION (0811-13) PROJECT NO. 3202022**

24. Approved **Contract #2004-84A**, an addendum to a professional services contract with Arrington Watkins Architects, LLC, for additional design services for the Apache Boulevard Police Substation and Property Evidence Facility.
COMMENTS: Subject to the execution of the final written addendum in an amount not to exceed \$142,513.
DOCUMENT NAME: [20061116PWDR01.pdf](#) CITY FACILITIES (1001)
PROJECT NO. 5500961
25. Approved **Contract #2000-197H**, an addendum to the professional services contract with Kitchell CEM for the Tempe Center for the Arts.
COMMENTS: Subject to the execution of the final written addendum in an amount not to exceed \$204,470.
DOCUMENT NAME: [20061116PWTG04.pdf](#) TEMPE ARTS CENTER (0109-19) PROJECT NO. 57-997005
26. Approved **Contract #2005-161A**, an amendment for a twelve-month contract extension with Swaine Asphalt Corporation for speed humps at various locations.
COMMENTS: Subject to execution of the final written amendment in an amount not to exceed \$75,000.
DOCUMENT NAME: [20061116PWMG02.pdf](#) STREET UPGRADING-MAINT-CONSTRUCTION (0809-05) PROJECT NO. 5400942
27. Approved a \$20,007 increase in the contract amount with Empower Solutions for PeopleSoft/Oracle consulting for upgrade and implementation services.
COMMENTS: Increase from \$107,920 to \$127,927.
DOCUMENT NAME: [20061116fsts04.pdf](#) PURCHASES (1004-01)(Contract #05-40-02)
28. Approved a one-year contract renewal with A.J. Roberts Industrial, Inc., for bus shelters.
COMMENTS: Total amount not to exceed \$150,000.
DOCUMENT NAME: [20061116fslq01.pdf](#) PURCHASES (1004-01) (T06-024-01)
29. Approved a one-year contract renewal with Salt River Landfill for sludge disposal.
COMMENTS: Total amount not to exceed \$80,000.
DOCUMENT NAME: [20061116fslq02.pdf](#) PURCHASES (1004-01) (T98-018-03)
30. Approved a one-year contract renewal with T.A. Caid Industries, Inc., for 25' and 30' modular traffic poles.
COMMENTS: Total amount not to exceed \$100,000
DOCUMENT NAME: [20061116fslq03.pdf](#) PURCHASES (1004-01) (T06-089-01)

31. Approved the utilization of a nine-month State of Arizona contract with Sagem Morpho, Inc., for a software and equipment upgrade to the Arizona Automated Fingerprint Identification System (AZAFIS).

COMMENTS: Total cost of this contract shall not exceed \$65,000 during the initial contract period.

DOCUMENT NAME: [20061116fsta05.pdf](#) **PURCHASES** (1004-01)
(Contract #SCC060002-A1-1-A1)

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *32. Introduced and held the **first** public hearing for a General Plan Amendment and Zoning Map Amendment for BASELINE-HIGHLINE at 2243 W. Baseline Road. **The second public hearing is scheduled for December 14, 2006.**

COMMENTS: (Building Arizona LLC, owner; Hugh Knoell, Knoell Quidort Architects, applicant) (PL060625) for the development of two office buildings, consisting of 54,331 s.f. of office area with surface parking on 2.96 acres, located at 2243 West Baseline Road, in the AG, Agricultural District, including the following request(s):

ZON06011 – Zoning Map Amendment from AG, Agricultural District, to CSS, Commercial Shopping & Services Zoning District.

GEP06008 – General Plan Amendment from Mixed Use to Commercial.

DOCUMENT NAME: [20061116dssl01.pdf](#) **PLANNED DEVELOPMENT**
(0406)

- D. Ordinances and Items for Second Hearing/Final Adoption - None

- E. Resolutions

33. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Approved RESOLUTION NO. 2006.91 amending City Code Appendix A—Fee Schedule, Chapter 22, Miscellaneous Offenses, relating to the fees for Permits for Alarms.

Vice Mayor Hutson asked for this item to be removed for separate consideration. The Finance, Economy and Veterans Affairs Council Committee has asked staff to review all fees and this fee has not been before that Committee.

City Attorney Andrew Ching clarified that this item simply corrects a clerical error. This doesn't change the status quo. These fees are currently being assessed. The fee for delinquent renewals of alarm permits was inadvertently removed from Appendix A of the City Code. This would correct the oversight by inserting the delinquent renewal fee back into Appendix A. Concerning the delinquent permit fee, this would clarify that this fee is established by Council action. Approving this item tonight does not preclude any committee from

reviewing the amount of the fee because this is a fee that is already being assessed and is not being increased.

Motion by Vice Mayor Hutson to approve Item #33 and refer the fee structure itself to the Finance, Economy and Veterans Affairs Council Committee. Second by Councilmember Mitchell.

Councilmember Arredondo asked whether all fees would be going to the Finance, Economy and Veterans Affairs Committee.

Mayor Hallman responded that the committee's scope of work states that the committee would review fees that are being imposed by the City and then make referrals to Council. This was also a recommendation of the Ad Hoc Budget and Finance Committee.

Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20061116cacc01.pdf](#) MISCELLANEOUS FEES (0210-05)

6. PUBLIC APPEARANCES

SCHEDULED PUBLIC APPEARANCE

- **Talal Kamal, Phoenix, re: quality of landscaping around Town Lake and Arts Center** – Did not appear.

UNSCHEDULED PUBLIC APPEARANCE

- **Bill Butler, Tempe.** There are two schools of thought. One is that we should charge a fee to those who create the expense. The other is that the whole population should pay for the few who create the need. Tempe doesn't charge enough for impact fees compared to other cities. They want us to help pay for these streets. Is this not a gift incentive to developers? Let's share the real cost with the people who create the real problem. He asked Council to look at the impact fees.

Mayor Hallman asked staff to prepare an IRS presentation on how our impact and development fees are set so that the community can understand why each community's are different.

- **Warren Edmond, Tempe.** He continued his earlier comments on the flood irrigation issue. Irrigation is desirable in Tempe. He is a self-irrigator and he pays directly to SRP and handles the deliveries himself. Over ten years, he has paid an average of \$60 per year for water. There is no annual increase. When you actually calculate the amount of water delivered by SRP to a one-fifth acre lot, in terms of City water fees, 9 cents per hundred gallons, it would be about \$400. That is getting to a point where it would be cheaper just to flood a lot with City water even at current City rates than go through all the problems of updating the system. Since the proposal is to push the improvement and maintenance costs into the general City budget, that probably won't be a concern. From what he has heard this evening, it seems like a reasonable proposal.

- **Joe Pospicil, Tempe.** In addition to what he stated during IRS, as fee rises, users will drop off, and the fee might then climb even higher. At some point, most users would drop off and then who would pay for all the new water line. It will be all residents at that point because the bill would have to be paid. The line to Daley Park would have to be paid for by the City. The park is up for rehab and needs the irrigation to support the mature landscape.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Councilmember Shekerjian extended birthday greets to Councilmember Ellis on her birthday tomorrow.
- Councilmember Carter wished everyone a Happy Thanksgiving. We have much to be thankful for.
- Councilmember Arredondo extended his best wishes to the ASU Sun Devils for victories. At the next meeting, he would suggest recognizing Dr. Lee Fairbanks with a proclamation for his tireless efforts in the non-smoking campaign. He has gone beyond the call of duty.
- Mayor Hallman extended his Thanksgiving wishes to the community.

Meeting adjourned at 8:22 p.m.

I, Connie Krosschell, the duly-appointed Acting City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the above to be the minutes of the Formal City Council meeting of November 16, 2006, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Connie Krosschell, Acting City Clerk

Dated this _____ day of _____, 2006.